

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fox *et al.*

Appl. No. 10/695,445

Filed: October 29, 2003

For: **Systems and Methods for
Recommending Business
Decisions Influenced by Weather
Elements**

Confirmation No. 4563

Art Unit: 3623

Examiner: Jarrett, Scott L.

Atty. Docket: 1481.0310000

Declaration Under 37 C.F.R. § 1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Frederic D. Fox, hereby declare:

1. I am making this statement of facts in support of the Amendment and Reply Under 37 C.F.R. § 1.111 in response to the Office Action dated April 26, 2006.
2. I am a co-inventor of the invention and the President of Planalytics, Inc. (hereinafter "Planalytics"), 1325 Morris Drive, Suite 201, Wayne, Pennsylvania 19087.
3. Planalytics provides services that assist clients in forecasting weather-driven changes in supply, demand, and prices for their products and services. The methodologies underlying some of Planalytics' services are disclosed in U.S. Patent Nos. 5,491,629; 5,521,813; 5,796,932; 5,832,456; 6,418,417; 6,584,447; 7,069,232; and 7,080,018; and in U.S. Patent Application Publication Nos. 2002/0032644 and 2004/0225556.
4. I have firsthand knowledge of the events and facts relating to the development and public disclosure of the invention.
5. The present patent application was filed on October 29, 2003.
6. To the best of my knowledge, there was no public use of the invention prior to the filing date of the present patent application.
7. The invention was incorporated into version 3.1 of Planalytics's Impact[®] product.

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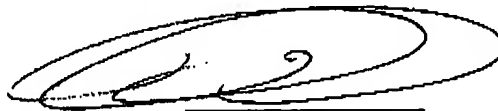
Appl. No. 09/547,791

Atty. Docket: 1481.0310000

8. Version 3.1 of Impact® was released to the public on or about May 6, 2004.
9. In keeping with its ordinary business practices, Planalytics issued a press release on May 17, 2004, to announce its offering of version 3.1 of Impact®. A copy of this press release is attached as Exhibit A.
10. Among the features of version 3.1 of Impact® that distinguish it from earlier products offered by Planalytics is the assignment of a first confidence level to data within a set of weather driven demand based on a probability that a weather element forecast is accurate and the assignment of a second confidence level to the data within the set of weather driven demand data based on a strength of a correlation between a product or service being considered and one or more weather elements in which the assignments of these two confidence levels are used during subsequent processing of the data within the set of weather driven demand data.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

Respectfully submitted,



Frederic D. Fox

Date: Aug. 23, 2006



newsrelease

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Retailers Move Another Step Ahead of Weather with New Version of Planalytics' Impact

CHICAGO, IL, May 17, 2004 — Planalytics Inc. today announced the release of Impact 3.1, the new version of its Internet-based application that measures the specific effects of past, present, and future weather on consumer demand by product, location, and time.

"Impact 3.1 makes it easier and more effective than ever for retailers to identify and manage the impact of weather on their businesses," said Frederic Fox, President and CEO of Planalytics. "It insures that users not only know about future weather-related risks and opportunities, but also that they profitably act upon this knowledge to control how that weather affects their business."

For example, the new version of Impact includes a messaging feature that allows users to receive email alerts and "Decision Point" bulletins and recommended actions to improve competitiveness and profitability. Behind the scenes enhancements to Impact allow Planalytics to automatically generate most of these Decision Points based on a thorough understanding of each retailer's exposure to future weather and that client's planning and decision making processes.

The knowledge-to-action leap is further bridged by enhancements to Impact's Executive View feature and improved navigation functions that allow users to quickly obtain information, the way they need to see it. These easily customized views can be converted into attractive PDF reports with a mouse click for distribution to the user's colleagues.

An important new feature is weather-driven demand forecasts that extend the current 12-month window by an additional six months, giving retailers the ability to strategically plan their seasonal product volume orders 18 months ahead.

Another new option, Season Timing, allows users to quickly see and act upon forecasts that show where and when seasonal products will start selling, volumes will peak, and sales will start slowing. This makes it easy to determine the best times to stock, promote or markdown seasonal merchandise. Planalytics is exhibiting in booth 2301 at Retail Systems 2004.

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